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Letter dated 20 October 2017 from the Permanent Representative of Myanmar to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a memorandum on democratic transition efforts in Myanmar (see annex).

I would be most grateful if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 72 (c).

(*Signed*) Hau Do **Suan**
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Please recycle

Annex to the letter dated 20 October 2017 from the Permanent Representative of Myanmar to the United Nations addressed to the Secretary-General

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Memorandum on democratic transition efforts in Myanmar (20 October 2017)

1. Introduction

In March 2016, Myanmar's democratically elected government took office following the country's first free and fair elections in 50 years.

Myanmar inherited a country that had endured decades of armed conflict, suffering from years of underdevelopment, social and political stagnation. To fulfil the long aspired dreams of the people of Myanmar, the government has set up a clear vision: to build a peaceful, prosperous and democratic Myanmar.

The Government of Myanmar has made peace and national reconciliation a top priority, with the aim of establishing a democratic federal union. At the same time, the Government has set objectives of rebuilding the country's economy, opening Myanmar to the world, and making health and education the cornerstones of the nation's development. The Government has also begun reforming public institutions and strengthening the rule of law to create a fair and just society for all people in the country.

Just over eighteen months since the government came to office, Myanmar has made significant progress — from launching a new national health and education strategies to stabilising the economy and building foundations for future growth.

Democratic change doesn't happen overnight. It is a hard fought process. As the State Counsellor Daw Aung San Suu Kyi told the nation upon taking office, the victory of 2015 general elections were just the beginning of Myanmar's journey towards democracy, not the end. Myanmar has come a long way. But, many challenges are still ahead and much still needed to be done.

2. Peace and national reconciliation

Myanmar has endured almost 70 years of internal armed conflicts. The greatest national endeavour for Myanmar today is to forge a lasting peace for its people. Without peace and stability and rule of law, the country will not be able to realize its ultimate goal of building a genuine democratic federal union which will guarantee security, freedom and progress for all the people. The peace process of Myanmar is delicate and extremely complex. It is a long-term process and a generational issue.

For a country that has experienced long decades of internal armed conflict and military domination in administration, nothing is more important than the achievement of lasting peace and national reconciliation. Myanmar is now in the process of reconciliation among different institutions, ethnic groups and communities. There is a vital need to build mutual trust and respect following years of mistrust and discrimination.

The Union Peace Conference- the 21st Century Panglong is the forum bringing together all stakeholders to undertake political dialogues towards peace and to lay foundation for a democratic federal union. The Panglong Conference is being held twice a year.

The first Panglong Peace Conference held in 2016 was the most inclusive peace conference in Myanmar's history. The second took place in May 2017 and brought together over 700 participants from across the government, military, parliament, political parties, ethnic armed groups and ethnic national groups.

As an outcome, the Union Peace Accord Part One was signed by the negotiating parties. This achievement is the first ever agreement between the Ethnic Armed Groups (EAOs), the Government, Tatmadaw and the Parliament. This agreement includes 37 points covering the areas of political, economic, social, land and environment. Preparation works are underway for the third Panglong Conference.

3. Freedom to progress and prosperity

The Government inherited a deteriorating economy due to decades of mismanagement and isolation. Through hard work, patience, and tough decisions, the foundations for future growth have been built.

It is now time for the economy to take off to create a more prosperous future for all. The government's long-term economic plan is put in place and it will bring prosperity. Myanmar has already achieved tangible progress by:

- Passing a new Investment Law that increases transparency and makes it easier and safer for domestic and international investors to operate in Myanmar.
- Increasing financial inclusion through liberalizing the market for microfinance firms and the introduction of mobile money.
- Introducing mobile money was one of the government's first acts upon taking office. In its first 10 months it attracted 500,000 customers with nearly three million transactions, and an agent network of over 10,000 locations countrywide.
- Supporting SMEs and entrepreneurs through new loan programs in collaboration with development partners and local banks.
- Selling the country's first ever treasury bills and bonds, to the tune of $1 billion, and floating the Myanmar kyat to increase competitiveness and remove distortion.
- Strengthening governance and rule of law, to weed out ad hoc policies and corruption.

These actions have been supported by major investments in education and health across the country, which will be the cornerstones for Myanmar's development.

4. Investing in health and education sector

4.1 Health

Myanmar is committed to transforming the health-care system so that millions more people can live better and for longer. The overarching goal is to achieve Universal Health Coverage in Myanmar by 2030. Everyone, regardless of their social or economic circumstances, will have access to the health services they need without financial hardship. National Health Plan (NHP) for 2017-2021 was launched, and its main goal is to extend access to a Basic Essential Package of Health Services to the whole country by 2020. By expanding basic health care access to the poorest first, the government aims to create a fairer system that benefits the many and not just the few. The government is working closely with partners — both nationally and internationally — to ensure the successful delivery of the NHP.

Early this year, the government has introduced a new initiative to tackle malnutrition and stunting in Myanmar. The government will undertake a ground-breaking study to compile the first comprehensive and accurate data on nutrition in Myanmar, and form the basis for a national nutrition plan.

4.2 Education

Education will support Myanmar's democracy and peace-building process and help establish a prosperous, dynamic economy. In channelling more resources into education, Myanmar is building a 21st century education system that will propel Myanmar to the rank of the upper-middle-income nations by 2030.

The government is reforming the national education system to ensure that all citizens achieve minimum national learning standards, learn how to think critically and creatively, and gain leadership skills that enable them to help others in their communities. As a roadmap for reform, the government launched a National Strategic Education Plan (NESP) in February 2017. The plan will see a doubling of investment in education across the country by 2021, increasing access to education and improving the standard of teaching nationwide.

5. A fair and just society

To support the development of a strong and inclusive democracy, Myanmar is strengthening governance and reforming our public institutions to create a fair and just society for all. Last year, the Parliament enacted, amended and revoked a total of 20 laws. This will have lasting benefits for the country and included introducing new laws to grant rights of peaceful assembly. The legacy of decades of non-democratic rule cannot be undone overnight. Many challenges remain, but Myanmar has already taken significant steps. Today, there are over 30 independent media organizations and correspondents from 20 international outlets in Myanmar. Moreover, there are almost 900 NGOs and INGOs working on wide-ranging issues from women's rights to local development.

Myanmar is also working hard to improve the rule of law, stamping out corruption and strengthening civil and democratic institutions. It has made clean government a priority by launching an anti-corruption campaign, introducing new legislation and improving corporate transparency. It is also transforming the police force into a modern service in line with international standards, strengthening capabilities and working to build trust among the public. And it is working with judiciary to enhance its integrity and transparency through training, codes of conduct and disciplinary measures. But it requires a change in mind-set, not just behaviour. Therefore, Myanmar is working to build understanding across the institutions and civil society.

5.1 Press freedom

The government is committed to ensuring greater freedoms for the people in the country — starting with political and media freedom. After decades of restrictions on free speech with the existence of only state-controlled media, Myanmar now has a growing private media sector and has introduced new laws that grant rights of peaceful assembly.

The government recognises concerns regarding section 66 (d) of the Telecommunications Law. Myanmar's parliament recently approved amendments to the law that bring greater clarity and definition to the provisions. Legislative change takes time but we are committed to building a more open and free society. It also

needs to ensure that press freedom come with responsibility and accountability at this nascent transition.

5.2 Gender equality

Myanmar is working hard to put gender equality and women's empowerment at the heart of our national development. Moreover, it has committed to the Convention on the Elimination of All Forms of Discrimination against Women and the Sustainable Development Goals.

Ten-year national strategic plan for the advancement of women covers key areas of the UN agenda for women's empowerment. Through advances in the fields of healthcare and education, the government is also addressing issues including maternal and infant mortality rates and access to education.

5.3 Forced Labour

Myanmar has made significant progress in eliminating the practice of forced labour and it is carrying out reforms of the labour laws. As part of the reform programme, a total of 12 domestic laws have been amended or enacted since 2012. The Supplementary Understanding between the Government of Myanmar and the ILO on elimination of forced labour was extended until end of 2017. Discussions are underway with the ILO to renew the Memorandum of Understanding with an Action Plan regarding elimination of forced labour.

5.4 Disability rights

The Government has stepped up its efforts to improve and safeguard the rights of disabled people in Myanmar. A new National Strategy for the Development of Persons with Disabilities was adopted in 2016. Work is currently underway on a new law on the Rights of Persons with Disabilities.

Earlier this year a new Early Childhood Intervention Strategy was launched in collaboration with UNICEF and the Leprosy Mission Myanmar to help safeguard the welfare of disabled children.

5.5 Trafficking in persons

Myanmar has made relentless efforts to combat trafficking in persons, focusing on prevention, protection, prosecution, policy and cooperation. There is still much to do, but progress has been made and achievements are reflected by upgraded status in the 2017 United States Trafficking in Persons report.

Progress has been made in areas, inter alia, the elimination of the use and recruitment of child soldiers; an increase in personnel dedicated to anti-trafficking law enforcement units; increased regional cooperation on trafficking issues; and the first trafficking prosecutions of officials since the enactment of the 2005 Anti Trafficking in Persons law. To step up effort to identify victims and at-risk individuals, trafficking caseworkers were appointed to all social welfare offices throughout the country.

5.6 Child rights

The government is committed to improving child protection and strengthening children's rights in Myanmar. Through reforms in the fields of education and healthcare, it is improving access to healthcare and expanding free school programs to help keep children in school.

Significant progress has been made in eliminating the use and recruitment of child soldiers. It was reflected by removal of Myanmar from 2017 Child Soldiers Prevention Act List by the United States. Currently, Myanmar has reviewed the existing Child Law (1993) in consultation with NGOs, civil society and the UNICEF and a new 'Rights of the Child Law' is already before the parliament for its approval.

6. Ratification of international treaties

As an expression of its commitment for sustainable conservation of environment, Myanmar has deposited with the Secretary-General of the United Nations the instrument of ratification of the Paris Agreement to the United Nations Framework Convention on Climate Change and the instrument of acceptance to the Doha Amendment to the Kyoto Protocol to the United Nations Framework Convention on Climate Change during the current session of the United Nations General Assembly. In expressing Myanmar's strong commitment to the promotion and protection of human rights and respecting fundamental rights of individuals, Myanmar ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) on 6 October 2017.

7. The Situation in Rakhine State

7.1 Understanding the Rakhine State Issue

The Rakhine issue is one of the colonial legacies. It began when people from Chittagong were brought to Myanmar to do agriculture and plantation works operated by colonialists. Over the years, their number multiplied due to various reasons — expansion of families, weak border enforcement and corruption that lead to illegal migration, human smuggling and trafficking.

Over the century, the ethnic Rakhine people and the Muslims have never integrated nor assimilated though they used to live in harmony. Conflicts did break out from time to time in the past but never to a scale of communal violence until in recent times where the confluence of many factors made it into one of the most politicised and publicised issues in democratic Myanmar. The division between the two communities is so deeply wedged that there seems to be a race to get an advantage against each other by turning the situation into more than what it should have been. For example, the situation sometimes has been characterized as religious conflicts between Buddhists and Muslims and at other times as human rights issue highlighting only the plight of so called "Rohingya" being trafficked, persecuted, forced to flee, or as an issue of racial identity. In reality, both groups are very much in the same situation.

The Rakhine people, feel that they have no voice to stop what is happening in their region. They are indigenous to the area but now being overtaken by foreign illegal immigrants who are growing drastically in number. They have now becomes a minority in their hometown. They are being pressured to accept the situation. There is a fear that they risk being further marginalised. To them, the international community seemed to be discriminately paying more attention and giving more sympathies to the illegal migrants.

The government is being criticized as not doing enough and is partial to one or another. There are fears and mistrusts between the two groups incited by many internal and external factors while there was also a sense of urgency to take

advantage of the current international and domestic political narratives and opportunities to push forward their cause.

Against this background, the complex challenges presented to the NLD Government call for sensitivities to understand and recognise the plights of both communities, to work towards building trust and allaying their fears, and to be mindful and careful at each and every step not to be seen as bias or indifference. At the same time paying attention to concerns and furor from domestic and international communities as well as to all other political elements who do not wish to see the Government succeeds. The Government is cognizant that it has a burden to prove its sincerity and commitment to finding a sustainable resolution to the issue; and that peace and stability will not last in the Rakhine region unless the resolution is obtained transparently, legitimately and justly for both communities.

7.2 Addressing the challenges

Since coming to office, the Government has made addressing the situation in Rakhine one of its top priorities. To provide long-term and sustainable solutions for Rakhine, within weeks of taking office the State Counsellor formed the Central Committee on Implementation of Peace, Stability and Development of the Rakhine State, responsible for coordinating with government ministries and international partners.

Moreover, the government on its own volition set up the Advisory Commission on Rakhine State led by former United Nations Secretary-General Kofi Annan who had sought to find a constructive path forward. The Commission delivered its final report on 24 August. The government has welcomed the report expressed its readiness to carrying out the recommendations to the fullest extent, and within the shortest timeframe possible, in line with the situation on the ground.

In its report, the Commission recognises that the situation in Rakhine is deeply complex and challenging and there are no quick fixes. Decades of fear and distrust between the Muslim and Rakhine communities have been compounded by chronic underdevelopment — Rakhine is one of Myanmar's poorest states.

7.3 Progress made before August 2017

Prior to the fresh violence on 25 August, humanitarian aid reached 95 per cent of affected areas. The government has provided over USD 1.96 million in humanitarian assistance to both communities, including cash, food, clothing, household items, tents, radios, motor vehicles, and solar panels. Healthcare access has been improved through new mobile clinics. Schools have been upgraded, and vocational and technical training programmes have begun.

Hundreds of new jobs and opportunities have been created for local people through public-private partnerships. An assessment has been made on the viability of a new Special Economic Zone that would bring new jobs and businesses to the region. In terms of new infrastructure, electrification has been expanded and new roads and bridges built, including a new highway connecting remote areas previously only accessible by boat.

Religious harmony and communal relations have been promoted through engaging interfaith groups. There is a plan to introduce a new curriculum in schools with a focus on moral, civic and peace education. A strategy and timeline to move forward the National Verification Process, as well as a strategy to close IDP camps in Rakhine State have already been developed. Three IDP camps have been closed, and new houses are being built near the IDP camps.

A new FM radio channel, which broadcasts in Rakhine, Bengali, and Myanmar languages, has been set up to provide information, including on health care and the National Verification Process to all communities in Rakhine. Cooperation of the communities is essential for the progress of the national verification process. In cooperation with the EU and UN bodies, the Government is providing training and capacity building for police and security forces in the areas of human rights, child protection and gender-based violence.

7.4 Second wave of terrorist attacks and new challenges

There were a disturbing increase in violence and unrest in the Rakhine State over recent months as a consequence of provocative attacks by extremist terrorists. There is worrying evidence — independently verified — of external interference aimed at aggravating an already difficult situation for their own political agenda. The first wave of terror attacks took place in October and November 2016.

The second wave of terrorist attacks took place in August 2017, and those attacks on security forces by extremists led to the death of security personnel as well as innocent civilians that include many other ethnic groups residing peacefully in Rakhine. A terrorist group called Arakan Rohingya Salvation Army (ARSA) claimed responsibility for the coordinated attacks. The brutal attacks coincided with the release of the final report by the Advisory Commission on Rakhine State. It is clear that they were a calculated attempt to undermine the efforts of those seeking to build peace and harmony in the region. It was also a part of their strategy to attract the world's attention to the issue at the United Nations.

It is also evident that the terror campaign is an attempt to undermine the government's commitment and efforts to find lasting solution through the speedy implementation of the Commission's recommendations and also to elicit the response of the international community before the forthcoming session of the UN General Assembly. Attracting the international attention by systematically creating exodus, is masterminded and synchronized by their strategic leaders who are linked to international players.

Due to the recent planned and coordinated attacks on security forces and brutal killings of innocent people, the anti-terrorism Central Committee of the Government of Myanmar declared ARSA as a terrorist group, in accordance with Counter-Terrorism Law. The United Nations Counter Terrorism Committee has also been informed.

The highest Islamic organization in Myanmar, the "All Myanmar Islamic Religious Organization" as well as the "Interfaith Dialogue Group of Myanmar" issued statements condemning the acts of terror committed by ARSA and expressed their solidarity with the government. They stressed that no religion can condone violence that result in the loss of life and property. They expressed their support for the government's efforts to address the situation in Rakhine and its endeavours to promote national reconciliation and peace in the entire country.

7.5 Reinforcement of security with maximum restraint in the use of force

In light of these attacks and breach to the nation's security, the security forces in northern Rakhine State were reinforced. However, maximum restraint is exercised in the use of force to avoid collateral damage. Only calibrated force was applied. No major armed clashes have been recorded with the terrorists since 5 September, 2017.

7.6 All communities affected

All communities living in the area are affected by the acts of terror and suffered from psychological trauma. The recent violence has led to widespread of fear and subsequent displacement of all communities.

The Hindu people, Rakhine and other smaller ethnic minorities such as Mro, Daingnet, Khami have had to flee their home towards the south such as Sittwe in fear of their lives while Muslim community to the north, towards the border with Bangladesh. In terms of percentage, these smaller ethnic minorities make up a significant number. Sadly, their plights have been overlooked by the many observers.

7.7 The reason for the exodus

Myanmar shares the concern of exodus. The exodus of refugees has several reasons. Prominent among them is the fear factor. As the fighting against ARSA terrorist groups broke out, many fled for fear factor. Most of the women and children were forced to flee and the men were forced to join ARSA in fighting against security forces and intimidating all villages to flee from the affected area, to attract international attention.

Terrorists are sowing seeds of terror among the populations by brutal and savage murders of those considered to be collaborating with the government. ARSA group and its member are threatening the Muslim villagers not to remain in villages and to flee to Bangladesh side. Those who chose to stay peacefully were intimidated by violence including explosion of bombs in their villages.

7.8 The Strategy of ARSA

The current attacks clearly indicate the intention of ARSA terrorists to carve out a separate territory for themselves. To achieve this aim, they carried out the attacks with a clear strategy which is publicly declared: Firstly, killing security and government personnel; Secondly, killing people who are believed to be collaborating with the government; Thirdly, killing ethnic people such as Rakhine, Mro, Daingnet and people from other religion; Fourthly, launching brutal attacks and threatening the remaining inhabitants to flee these areas through intimidation and fear.

7.9 Retrieve of mass grave

On 24th September 2017, with the assistance of Hindus villagers, security forces and the villagers found 28 bodies of Hindus, who were brutally killed by ARSA terrorists near Yebawkya Village in Maungtaw Township.

Again on 25th September, 2017, 17 bodies of men were retrieved, 14 bodies of men from the first pit and three bodies of men from the second pit. To date, a total of 45 corpses have been discovered. The bodies excavated were Hindu people from Yebawkya Village.

7.10 Ways forward

The violence has subsided in northern Rakhine and operations by security forces have ceased since 5 September. In light of the improved security situation, the diplomatic corps in Yangon accompanied by the media were able to visit the affected areas in Northern Rakhine on 2 October. Subsequently, a delegation of Myanmar Ministers and diplomats from five neighbouring countries: Bangladesh, China, India, Laos and Thailand, visited the border areas between Myanmar and Bangladesh on 10 October. United Nations Under-Secretary-General Mr. Jeffrey Feltman visited Myanmar from 13 to 17 October 2017 including northern Rakhine State.

Humanitarian assistance is being provided to all affected communities without discrimination. Myanmar government is partnering the Red Cross Movement to distribute the aid. With the participation of WFP, FAO, ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management (AHA) and private donors, Myanmar is providing more aid to the people in need.

The bilateral talks between Myanmar and Bangladesh regarding repatriation have been initiated. The Minister for the State Counsellor's Office visited Dhaka from 1 to 3 October. Joint Working Group on repatriation process has been formed. Proposals on modalities for voluntary, safe and dignified repatriation have been exchanged and discussed. The Foreign Minister and Home Minister of Bangladesh have been invited to Nay Pyi Taw to continue the dialogue.

The government of Myanmar firmly believes that the recommendations of the Commission provide us with a viable roadmap to lasting peace in Rakhine State and has embraced the final report of the Commission. A Ministerial-level committee has been set up to ensure that the recommendations are implemented expeditiously. The work has begun. An Advisory Board composed of eminent persons and experts from home and abroad will also be constituted to advice the Committee.

As a responsible member of the international community, Myanmar will implement all its commitments without fail. On 12 October 2017, State Counsellor Daw Aung San Suu Kyi, in her address to the nation, announced that the government has identified the following three main tasks to be undertaken promptly:

1. Repatriation and provision of humanitarian assistance to returnees;

2. Resettlement and rehabilitation of all displaced communities; and

3. Establishment of sustainable peace, stability and development in Rakhine State.

A new mechanism, the Union Enterprise for Humanitarian Assistance, Resettlement and Development in Rakhine, has been launched. It is a partnership among the government, people, private sector, local non-governmental organizations and civil society organizations, development partners, UN agencies and international non-governmental organizations. A Committee for the Union Enterprise for Humanitarian Assistance, Resettlement and Development in Rakhine was established on 17 October 2017. It was chaired by the State Counsellor. Duties of the Committee are to carry out the effective provision of humanitarian aid; to coordinate the resettlement and rehabilitation efforts; to carry out regional development and work towards durable peace.

Interested donors are invited to join this important initiative for the humanitarian assistance, resettlement and development in Rakhine State.

8. Conclusion

Many challenges remain across the fragile new democracy — not least the challenge of forging a lasting peace after decades of ethnic strife and conflict. Myanmar has so far achieved significant progress in democratic transition, but there are difficulties that cannot be overcome overnight.

The understanding and continued support of the international community is important for the success of Myanmar's endeavours to building a peaceful, prosperous, democratic and united Myanmar.